ASSEMBLY BILL   No. 2745

Introduced by Assembly Member Jones

February 24, 2006

An act to amend Section 1262.5 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as amended, Jones. Hospitals: discharge plans: homeless persons.

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.

This bill would require that each hospital develop, within the discharge planning policy and process, a protocol specific to the needs of homeless individuals, as defined, containing specified information. The bill would prohibit the protocol from permitting the relocation of homeless individuals, for the purpose of receiving support services, from one county to another county *agency or service provider* without prior written notification *to the recipient county agency or service provider, or both*. The bill would require that the county board of

supervisors in the county where the hospital is located review and either approve, approve with modifications, or reject the protocol. The bill would require the hospital, if the protocol is rejected, to submit a revised protocol for approval by the board of supervisors. The bill would require that a hospital with an approved protocol resubmit its protocol to the board of supervisors for review and reapproval not less than once every 5 years.

By imposing duties upon county boards of supervisors and by creating a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1   SECTION 1. Section 1262.5 of the Health and Safety Code is
2   amended to read:
3   1262.5. (a) Each hospital shall have a written discharge
4   planning policy and process.
5   (b) (1) The policy required by subdivision (a) shall require
6   that appropriate arrangements for posthospital care, including,
7   but not limited to, care at home, in a skilled nursing or
8   intermediate care facility, or from a hospice, are made prior to
9   discharge for those patients who are likely to suffer adverse
10   health consequences upon discharge if there is no adequate
11   discharge planning. If the hospital determines that the patient and
12   family members or interested persons need to be counseled to
13   prepare them for posthospital care, the hospital shall provide for
14   that counseling.

1   (2) (A) Each hospital shall develop a protocol specific to the
2 needs of homeless individuals, which shall be included in the
3 policy required by subdivision (a).
4   (B) This protocol shall, include, but not be limited to, the
5 collection of patient information including the name, age,
6 ethnicity, number of previous hospital admissions in the past 12
7 months, and length of stay. The collection of that information
8 shall be in accordance with applicable laws and regulations
9 governing patient confidentiality.
10   (C) The protocol shall not permit the relocation of homeless
11 individuals, for the purpose of receiving supportive services,
12 from one county to another county *agency or service provider*,
13 without written prior notification to the recipient county ~~or the~~
14 ~~recipient~~ *agency or* service provider, or both.
15   (D) The county board of supervisors in the county where the
16 hospital is located shall review and either approve, approve with
17 modifications, or reject the protocol. If the protocol is rejected,
18 the hospital shall submit a revised protocol for approval by the
19 board of supervisors. To the extent that there are multiple
20 hospitals in a county, the hospitals may jointly develop a protocol
21 for the board of supervisor's approval.
22   (E) A hospital with an approved protocol shall resubmit the
23 protocol to the board of supervisors for review and reapproval
24 not less than once every five years.
25   (F) For purposes of this subparagraph, "homeless individual"
26 means an individual who lacks a fixed and regular nighttime
27 residence, or has a primary nighttime residence that is a
28 supervised publicly or privately operated shelter designed to
29 provide temporary living accommodations, or who is residing in
30 a public or private place not designed to provide temporary living
31 accommodations or ordinarily used as a sleeping accommodation
32 for human beings.
33   (c) The process required by subdivision (a) shall require that
34 the patient be informed, orally or in writing, of the continuing
35 health care requirements following discharge from the hospital.
36 The right to information regarding continuing health care
37 requirements following discharge shall apply to the person who
38 has legal responsibility to make decisions regarding medical care
39 on behalf of the patient, if the patient is unable to make those
40 decisions for himself or herself. In addition, a patient may

1 request that friends or family members be given this information,
2 even if the patient is able to make his or her own decisions
3 regarding medical care.
4   (d) (1) A transfer summary shall accompany the patient upon
5 transfer to a skilled nursing or intermediate care facility or to the
6 distinct part-skilled nursing or intermediate care service unit of
7 the hospital. The transfer summary shall include essential
8 information relative to the patient's diagnosis, hospital course,
9 pain treatment and management, medications, treatments, dietary
10 requirement, rehabilitation potential, known allergies, and
11 treatment plan, and shall be signed by the physician.
12   (2) A copy of the transfer summary shall be given to the
13 patient and the patient's legal representative, if any, prior to
14 transfer to a skilled nursing or intermediate care facility.
15   (e) A hospital shall establish and implement a written policy to
16 ensure that each patient receives, at the time of discharge,
17 information regarding each medication dispensed, pursuant to
18 Section 4074 of the Business and Professions Code.
19   (f) A contract between a general acute care hospital and a
20 health care service plan that is issued, amended, renewed, or
21 delivered on or after January 1, 2002, may not contain a
22 provision that prohibits or restricts any health care facility's
23 compliance with the requirements of this section.
24   SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for
26 certain costs that may be incurred by a local agency or school
27 district because, in that regard, this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.
33   However, if the Commission on State Mandates determines
34 that this act contains other costs mandated by the state,
35 reimbursement to local agencies and school districts for those
36 costs shall be made pursuant to Part 7 (commencing with Section
37 17500) of Division 4 of Title 2 of the Government Code.

O